

# CLARK, HUNT, AHERN & EMBRY

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June 6, 2014

**VIA FACSIMILE - (508) 586-3578  
AND FIRST CLASS MAIL**

PLYMOUTH COUNTY  
DISTRICT ATTORNEY  
JUN 9 2014

Frank Middleton, First Assistant District Attorney  
Plymouth County District Attorney's Office  
32 Belmont St.  
Brockton, MA 02301

Dear Mr. Middleton:

Since my last call with you, I have spoken to Ms. Brown, Joshua's mother, and learned about the meeting which took place with ADA Flanagan and Attorney Novotny. I have also reviewed with her the possibility of another meeting with your office on June 17th.

Ms. Brown does not believe that another meeting with your office would be useful and we are therefore not going to proceed with the meeting. As I expressed to you on the telephone, we have no additional information to offer your office on the issue of causation, which was the principal decision, according to the e mail that your office sent the Boston Globe, for the decision not to prosecute. Furthermore, Ms. Brown told me that the issue of causation was addressed by Attorney Novotny in the earlier meeting.

At this point, Ms. Brown believes that your office has already taken a firm position on the death of her son. I have also reviewed with her what we discussed on the phone and that there was no re-interviewing of the Correctional Officers after the autopsy report of Dr. Hull and the finding of homicide. Ms. Brown does not have confidence that your office will reopen the case and, even if DA Cruz decided to do so, she does not have confidence on the results of that investigation, given the position taken by DA Cruz in the email sent to the Boston Globe by your office. She has therefore instructed us to request that the Attorney General appoint a special prosecutor to investigate her son's death. She also believes that a special prosecutor is warranted in light of the misconduct involving senior officials of the Department of Correction with respect to this death as documented in the report of Secretary Cabral. In addition, the statute of limitations will expire on May 3, 2015 and if there is to be an investigation, we believe that it needs to happen quickly.

CLARK, HUNT, AHERN & EMBRY

Frank Middleton, First Assistant District Attorney AT LAW

June 6, 2014

Page 2 of 2

We appreciate your willingness to meet and your prompt responsiveness to our prior letter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Roderick MacLeish, Jr.", with a stylized flourish at the end.

Roderick MacLeish, Jr.

RM/